

**WARREN CITY COUNCIL  
REGULAR MEETING  
JULY 15, 2013 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Mark A. Phillips presided over the July 15, 2013 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

**ROLL CALL**

Members present and responding to roll call were: Mayor Mark Phillips, Maurice Cashman, Dr. Howard Ferguson, John Lewis, Joseph Sprentz, and James A. Zavinski, Sr. Samuel Harvey was absent. Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance. Gus Maas, represented Hill Engineering (City Engineer).

**RECOGNITION OF VISITORS**

Mayor Phillips welcomed all visitors. Present were:

- Dennis Crandall: Parks & Recreation Commission Chairman – Outdoor Fitness Park
- Jackie Angove: Parks & Recreation Commission member - Outdoor Fitness Park
- Mary Hagan-Double: Community Mobilization Initiative – Outdoor Fitness Park
- Barb Babcock: Community Mobilization Initiative – Outdoor Fitness Park
- Heidi Ekey: Community Mobilization Initiative – Outdoor Fitness Park
- Julie Greenman: Outdoor Fitness Park
- Chris Hobbs: Outdoor Fitness Park
- Lenny Gray: Observing
- Gregory Fraser: Observing
- Pauline Steinmeyer: Observing
- Jacob Perryman: Times Observer reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Cashman and second by Mr. Lewis, the minutes of the June 13, 2013 Council Work Session were unanimously approved by the Council members present.

Upon motion by Mr. Zavinski and second by Dr. Ferguson, the minutes of the June 17, 2013 Regular Meeting were unanimously approved by the Council members present.

**CORRESPONDENCE**

Council members acknowledged receipt of the following correspondence:

- Wendy Whetzel Boger: Expressing concerns regarding the Municipal Pool hours of operation. Ms. Boger suggested that the pool not be open between 10:00 AM and 2:00 PM so as to limit sun exposure and further suggested that the pool be open until later in the evening. Mrs. Freenock indicated that pool hours had been adjusted and the pool is presently open until 8:00 PM on Wednesdays. Ms. Nau indicated that this matter will be further reviewed by the Parks and Recreation Commission.
- Community Foundation of Warren County: Pledging up to \$17,500 for the Beaty Park Improvement Project Phase 3. This amount represents one-half of the shortfall between the funding in hand and the lowest contract bid.
- Friends of Warren Basketball: Providing a contribution of \$250 for the refurbishment of Beaty Park Basketball Courts (part of the Beaty Park Improvement Project, Phase 3).

### **FITNESS PARK PROPOSAL: COMMUNITY MOBILIZATION INITIATIVE**

Ms. Nau noted that Dennis Crandall, Parks and Recreation Commission Chairman, and Jackie Angove, Commission member were present in support of this proposal. Also in attendance were representatives of the Community Mobilization Initiative.

Ms. Nau stated that the Community Mobilization Initiative is comprised of representatives of five local companies which are joining forces to promote employee and community wellness through physical fitness. Their goal is to establish an outdoor ADA-accessible fitness facility to be located within a 5-minute walking distance of the downtown area.

It was noted that representatives of the group made a presentation to the Parks and Recreation Commission at a special meeting held on July 2 at which time there was considerable discussion which included potential locations, the number of pieces of equipment to be placed, anticipated usage rates, screening by way of plantings, pathways connecting the various pieces of equipment, and ongoing maintenance concerns. The Parks and Recreation Commission, with all members present, voted unanimously to recommend Council's favorable consideration of the concept of establishing a fitness park within a 5-minute walking distance of the downtown area with the preferred location(s) being Clemons Park, DeFrees Park, and/or the Pennsylvania Avenue Walkway to be confirmed by Parks and Recreation Commission recommendation and Council approval following further design of the proposed park.

Heidi Ekey, Initiative representative, gave a PowerPoint presentation illustrating the type of equipment proposed as well as a rendering of the proposed layout within a park with Clemons Park being the model. Ms. Ekey stated that the equipment being considered is designed for users aged twelve years and older, would target stretching and cardio exercises, is constructed of stainless steel, and would be placed on a poured-in-place rubber surface. Pathways connecting the apparatus and public walkways will also be of poured-in-place rubber. The estimated project cost is \$85,000 which is to be provided in full by the Community Mobilization Initiative.

There was considerable discussion which included Council's ongoing consideration regarding the possible release of Clemons Park from the City's park system, liability concerns, ongoing maintenance of the equipment and poured-in-place rubber surfaces, warranties, and alternate locations. Dr. Ferguson suggested that the Initiative consider establishing a board of directors that would serve as an ongoing contact for concerns relative to the project.

Mr. Sprentz made the motion to approve the concept of development of an outdoor fitness park within a City Park. The motion was seconded by Dr. Ferguson.

Mr. Cashman made the motion to amend Mr. Sprentz' motion by specifying DeFrees Park/Playground as the location. The motion was seconded by Dr. Ferguson and carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

The vote on Mr. Sprentz' motion, as amended, carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

### **AGREEMENT: WASTEWATER FACILITIES IMPROVEMENT PROJECT – ENGINEERING SERVICES**

Mr. Holtz stated that City Staff, the City's Solicitor, and Hill Engineering are working to complete documentation required by the Pennsylvania Infrastructure Investment Authority (PennVest) in order to close on the financing package offered to the City for its Wastewater Facilities Improvement Project. A requirement for closing the Pennvest financing package is submission of an executed Engineering Agreement for construction services. Gus Maas, of Hill Engineering, outlined the engineering services which are included in the agreement.

Mr. Lewis made the motion to approve the agreement with Hill Engineering for engineering services pertaining to the construction phase of the Wastewater Facilities Improvement Project. The motion was seconded by Dr. Ferguson.

Mr. Cashman made the motion to amend Mr. Lewis' motion by making approval contingent upon PennPRIME's (City's insurance carrier) approval of insurances carried by Hill Engineering. The motion carried unanimously among the Council members present.

The vote on Mr. Lewis' motion, as amended, carried unanimously among the Council members present.

#### **ORDINANCE NO. 1833: AMENDING ORDINANCE NO. 1832**

Ms. Stapleford noted that, at its June 17 regular meeting, Council approved Ordinance No. 1832 pertaining to the City's indebtedness in regard to the PennVest funding package. It is necessary to amend Ordinance No. 1832 in order to provide clarification that the debt that is being incurred to fund the Wastewater Facilities Project is non-electoral debt.

Mr. Cashman made the motion to adopt the ordinance specifying that the PennVest funding is non-electoral debt. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present.

#### **PROPOSED AGREEMENT: CONEWANGO AVENUE BANK CLEARING**

Mrs. Freenock stated that in 2010 the Department of Public Works performed bank clearing activities on the portion of Beaty Park which is adjacent to Conewango Avenue. At that time, Council members acknowledged the improved appearance and advised City staff to contact the Warren County School District (WCSD) to request that it do likewise on the portion of the bank under its control. At that time, an arrangement acceptable to both parties was not reached.

In response to a recent request from Councilmen Lewis and Zavinski, who wish to volunteer their services, Mrs. Freenock again contacted the WCSD. The District has since submitted a proposed agreement which was approved by the Warren County School Board. Mrs. Freenock noted that the proposed agreement was not received/reviewed by the City prior to its acceptance by the School Board.

Mrs. Freenock noted her concerns regarding the agreement, the most significant of which is Article 6 which would hold the City liable in perpetuity for any third party accidents or injuries which may be deemed to have resulted from the work performed.

Mr. Cashman made the motion to turn down the proposed agreement with the Warren County School district for the clearing of a portion of the Conewango Avenue bank. There was not a second to the motion and, therefore, the motion failed.

#### **DISPOSITION OF 1999 JOHNSTON 605 STREET SWEEPER**

Mr. Holtz noted that at the January, 2013 Council meeting, Council approved the disposition of the City's 1999 Johnston 605 Street Sweeper. At that time a price of \$25,000 was established for the value of this piece of equipment. Wheatland Borough, a municipality near Sharon, PA, has indicated its interest in purchasing the street sweeper and representatives from the Borough have inspected and driven the street sweeper. After negotiating with the Borough, they have made an offer of \$17,500 for the City's street sweeper. In the absence of any prior offers, Mr. Holtz recommended that City Council consider accepting this offer.

Mr. Lewis made the motion to accept the Wheatland Borough offer in the amount of \$17,500 for the 1999 Johnston 605 street sweeper. The motion was seconded by Mr. Zavinski and carried unanimously.

### **DEPARTMENT REPORTS – June, 2013**

The following reports were presented to Council:

- Police Department – Presented by Chief Zydonik
- Fire Department – Presented by Chief Pascuzzi
- Department of Public Works – Presented by Michael Holtz
- Building Codes Department – Presented by Alan Gustafson

Chief Zydonik reported that the City Police Department has again been accredited by the PA Chiefs of Police Association and noted the rigorous review process required to attain this status. Council members offered their congratulations and praise for the Department's accomplishment.

### **APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

Parks and Recreation Commission	– June 4, 2013	Regular Meeting
Planning Commission	– April 17, 2013	Regular Meeting
Street Landscape Committee	– May 28, 2013	Regular Meeting
Special Events Committee		Event Status Report

### **ADJOURNMENT**

There being no further business to come before Council, Mayor Phillips declared the meeting adjourned.